684 VI.) If found guilty, he will have to pay an extra fine of two
782 oxen (1).
584 When the abducted woman is an unmarried girl, the matter
836 is not serious. No trouble is entailed, provided she does not become pregnant. In the latter case, the seducer can say: "Ndji dlele ku dya: I have killed to eat," viz. "I am ready to lobola the girl" (p. 97). If the girl does not consent, the man is free. But if the man does not wish to marry the girl by paying a full lobolo, whilst the girl and her relatives want him to do so, he will have to pay as much as £ 30 and an ox. "He has spoilt his cause!" His own relatives will be arrested and forced to pay. They are responsible for him and will scold him severely. (Mankhelu).

683 *Fighting ending in blows.* The wounded man runs to the
643 square of the capital and shows himself. The assailants will have to pay a fine of £ 8, three for the chief and five for the victim, or of two oxen, one for the chief and one for the plaintiff. (Mankhelu).

682 *Murder.* A distinction is made between involuntary murder,
672 which is an accident (mhango, Dj.), and a deliberate assassination.

In the case of *involuntary murder*, Mankhelu describes the proceedings as follows:—Should you have killed a man by accident in a hunting trip, for instance, you will try to arrange matters directly with his relatives, if you were good friends; your relatives will give them a girl.. You dare not offer your own daughter, because they may refuse her, on account of their bad feelings! The same objection will not be made if your people provide the girl. They will accompany her with ten hoes and an ox, saying: "This is fat to smear our daughter." The notion which is at the base of this custom is not that a human person is the natural compensation for another human person, but that you give the diminished family a means of making good its loss. In fact as soon as the girl has born a child to the relatives of the deceased, she is free. If these men wish to keep her as their wife, they must

(1) The neighbouring Chopi tribe, on the contrary, leaves the husband to arrange matters as he likes. Formerly he used to kill the adulterer. But cases of adultery are never brought before the chief.

682 627 procedure. They are in advance of many tribes. The same cannot be asserted when dealing with witchcraft!

Witchcraft (Buloyi). To the Thonga mind this is one of the 754 greatest crimes which a man can commit. It is equivalent to 683 assassination, even worse than murder, as a dim idea of anthro- 787 pophagy is added to the simple charge of killing. A wizard 694 kills human beings to eat their flesh. We shall study the conceptions of *buloyi* later on (Part VI) from a psychological point of view. Here it is mentioned only in as far as it gives rise to judicial cases. This particular crime being committed in great secrecy during the night, and in most instances even unconsciously, the Bantu tribunal uses two or three magical methods for discovering it. These *methods of inquiry*, which civilised nations have long ago abandoned, are :

1) *Divination by casting lots.* The objects used in our tribe for this purpose are the magic bones, the astragalus of goats, antelopes, etc, and shells, which I intend to study in a special chapter. When they have designated (ku ba, to beat) the wizard or witch (noyi) who has killed such and such a person, they are consulted a second time. If they confirm their verdict, the relatives of the deceased go to the chief and lodge their complaint. The accusation becomes official and is now in the hands of the tribunal.

2) The chief sends the plaintiff and accused to the magician who proceeds to the *divination by questioning* them and working himself up into an ecstatic condition (vumisa).

683 3) Should the accused be again designated and should he 695 deny his crime, he may request to be submitted to the *ordeal*, 824 viz. the trial by the solaneous plant called mondjo. If the drug 787 intoxicates him, his guilt is confirmed for the third time and the 754 tribunal will condemn him. The punishment for *buloyi* is death, either by hanging, or by empaling, or by drowning in the river, if the wizard was in the habit of perpetrating his murders by sending crocodiles to kill his victims.

[177 681] Nowadays Native chiefs dare not put to death suspected witches. Since the Ba-Ronga have been under the jurisdiction of the Whites, the *death penalty* has been abolished. On the other hand, under

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627 Gungunyana, executions were of frequent occurrence. When the
683 chief had condemned a man to death, he merely made a sign to
754 one of his executioners, who followed the unfortunate individual, as he went away into the bush, possibly quite unconscious of the fate awaiting him, and dealt him a heavy blow from behind with either club or assagay, killing him on the spot. Chiefs now only expel wizards or witches from the country, accompanying them to the boundary, or impose a high fine on them, keeping half of the amount. However there are still individuals who avenge themselves for the death of a relative on the suspected murderer by killing him. Such cases are not infrequently brought before the Courts of Pretoria and Johannesburg.

177 What is the duty of the civilised tribunal in such instances ? White
681 judges generally condemn to death a man who has killed a "noyi".
627 I know of cases in which even an induna who had hanged a "noyi," duly condemned by the Native Court, was himself considered a criminal
683 and condemned as such. This happened to our friend Mankhelu, one
754 of the pillars of the Nkuna tribe, the General of the army... He only escaped death owing to petitions sent to the Boer Authorities by both Blacks and Whites. This happened, I think, in 1888. Are European judges right in pronouncing the capital punishment in such cases ? This is questionable. It is certainly erroneous to assimilate Mankhelu's act which, in his own eyes, is an act of justice, to an ordinary murder, and to punish him as an assassin. He did what he thought to be right according to his knowledge. The husband of a bewitched woman who kills the murderer of his wife is more blamable, because his act is not sanctioned by the authority of a regular Court. However neither one nor the other deserves death.

683 I fully recognise that such acts of the Native tribunals must be
754 stopped. A chief who accepts accusations of witchcraft ought to be punished, especially if it has been duly explained to him that a White Government does not allow any such case to be judged in the country. In the course of time Natives will understand this and the witchcraft superstition will dwindle away. But let us be patient with them, remembering that our forefathers of 300 years ago did exactly the same thing and burnt hundreds of suspected witches after having subjected them to horrible tortures.

In an essay on the subject published in the S.A.A.A.S Report of

683 754 1906, I ventured to suggest certain means of checking the *buloyi* superstition. The Department of Native Affairs might give the following directions to its subordinates, the Native chiefs :

1) The crime of buloyi is not recognised under penal law.

2) The Native chiefs are prohibited from trying any buloyi case.

3) The plaintiff must be reprimanded as disturbing the peace of the country.

4) The witch doctor or mungoma (magician), who pretends to have smelt out a wizard, must be fined as using his authority to deceive people and foster hatred amongst them.

5) No evidence based on the use of divinatory bones must be accepted.

These rules, if strictly enforced and combined with Christian teaching and the progress of civilisation, will in the course of time put an end to the scourge of witchcraft.

683 695 578 *Insults.* Ku rukana or ruketela, to hurl insults at each other's head, is very frequent amongst Thongas and does not lead to any judicial case, if not accompanied by assault and bruises (1). There are however insulting deeds which are considered as crimes. To take human blood, or spittle, or excrement with a stick and to push it into the mouth of a child, for instance, is considered a very serious insult which must be judged before the Court. A man who committed such an offence would have to pay a fine amounting to a whole lobola. I heard of a woman, who gave a child a butterfly to eat. The parents of the little one were very angry. She denied having done such a thing. They said to her: "Confess your sin and pay a fine of 5/—." She refused and offered to undergo the ordeal, viz., to drink the mondjo philtre. "If you insist" said they, "you will have to pay £ 10." However she persisted and became intoxicated ; this was a proof of her guilt. She was fined to the amount of £ 40, £ 20 for the child and £ 20 for the chief!

683 201 754 To point at any one with the index finger is also a grave insult which may have judicial consequences, because this action is brought into close relation with *buloyi*.

683 578 695 (1) The most common insult which women can cast in each other's teeth is nihashwaku (Ro) or nyahhwaku (Nkuna) which means: the genitals of your mother. A scuffle with blows is sure to arise when that word has been pronounced. It is also used when taking an oath. Men swear by the name of their chief.

3) The Punishment of Witchcraft.

754 What is the punishment inflicted on those convicted of the
683 crime of witchcraft? Let us remember that this is a crime, an act of homicide, doubly punishable by the Court. Chief Shiluvane had definitely prohibited it by a decree in the following words: "I do not allow anyone to die in my country except on account of old age. So let the baloyi at once cease their enchantments, or I shall kill them all." In former times the crime of witchcraft was punished by death and the culprit was immediately hanged. The last to be punished in this way, in the Nkuna clan, was Mudebane (I. p. 443), and Mankhelu himself executed him. The wizards are impaled or drowned, as the case may be. Flogging and banishment were also resorted to when the crime was not so heinous. In Khosen wizards were expelled from the villages and roamed about the country, sleeping in the ruins, mocked at and insulted by the children, and oxen sinews were tied round their biceps so tightly that they entered their flesh and caused great suffering.

177.68 One of my informants (Fenis), who drank the mondjo at the death of Zihlahla, chief of the Mpfumo district, about 1870, told me that the heaviest penalty imposed on the wizards on that occasion was a fine of one or two goats, or of one pound sterling. He attributed this leniency to the proximity of the Whites. The civilised Governments in Africa have certainly done their best to put down this method of smelling-out wizards, and their efforts have been by no means without result. Native chiefs are now content with fining the wizards £ 10 or £ 15, half of which remains in their own pockets. I heard of one of them who claimed to be a Christian, but did not object to the substantial increase to his civil list brought about by witchcraft suits.

IV. *Concluding Remarks on Witchcraft.*

754 Witchcraft is one of the greatest curses of Native Life. I attribute the
182 enormous hold which this superstition has taken on the mind of the Bantu to three causes: 1) The *Animistic beliefs* explained on p. 367